

Notice of Allowability

Application No.

09/496,249

Examiner

Travis M Reis

Applicant(s)

HORWARTH ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/24/2003 and the request for continued examination filed 4/5/2004.
2. ☒ The allowed claim(s) is/are 1-3, 5-16 and 21.
3. ☒ The drawings filed on 24 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ribando on 4/15/04.

The application has been amended as follows:

Withdrawn claims 17-20 have been ---canceled---

Allowable Subject Matter

2. Claims 1-3, 5-16, & 21 are allowed.
3. The following is an examiner's statement of reasons for allowance:

With reference to claims 1-3, the prior art of record does not disclose or clearly suggest a machine tool monitoring fixture for monitoring the accuracy of the location of a machine tool spindle, that is movable on an arc about a spindle trunnion axis, including first, second, and third blocks mounted on said body at first, second, and third angular positions respectively along an arc circumscribed by a radius about the spindle trunnion axis, in combination with the remaining limitations in the claims.

With reference to claims 9-16, the prior art of record does not disclose or clearly suggest a monitoring system for monitoring alignment of a spindle trunnion axis of a computer numerically controlled machine comprising a probe to measure locations of features on a machine tool monitoring fixture; control means for moving said spindle mounted probe, and first, second, & third blocks mounted on said body at first, second, & third, angular positions respectively along an arc circumscribed by a radius about an axis of rotation, in

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combination with the remaining limitations in the claims.

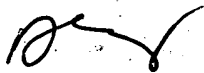
With reference to claims 5-8 & 21, the prior art of record does not disclose or clearly suggest a machine tool monitoring fixture having a body comprising parallel first and second walls, and first & second recesses in said first and second walls, respectively, in combination with the remaining limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hemmerle et al. discloses a comprehensive three-dimensional rotary tool point compensation (U.S. Patent 5329457). Broghammer et al. disclose spindle drive for a coordinate measuring machine (U.S. Patent 4957013). Palfery et al. discloses an automated machining system having a workpiece transfer apparatus (U.S. Patent 4612697). Starp discloses a machine for grinding and polishing workpieces (U.S. Patent 4216626). Johansson discloses an article exchange mechanism (U.S. Patent 3990585).
5. Inquiries concerning this, or earlier, communications from the examiner should be directed to Travis M Reis (571) 272-2249; 8-5 M--F. If unreachable, contact the examiner's supervisor, Diego Gutierrez (571) 272-2245. The fax for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Travis M Reis
Examiner
Art Unit 2859
tmr
April 19, 2004


Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

5/26/04